

PUBLICATION: WINNIPEG FREE PRESS
DATE: 2004.10.07
PAGE: A15
SECTION: Focus

Thirst grows for lakes' water Most experts feel Great Lakes can't sustain significant transfers

DataSpecials Rae Murphy GIVEN the fact that the Great Lakes comprise 20 per cent of the world's supply of fresh water and the 40 million Canadians and Americans who live within the boundaries of the lakes' basin constitute much less than one per cent of the world's population, a little diversion here and a little diversion there could be seen as not only equitable but also make good economic sense.

Most experts, however, insist that the lakes cannot sustain significant water transfers. Even the current loss of between four and five per cent cannot be sustained when only one per cent of the lakes' water is renewed annually. There is an urgent need to better protect the lakes as well as to curtail the profligate use and waste of water.

The conflict between the growing thirst for fresh water, particularly in the United States, and the ability of the Great Lakes to respond to this thirst is to be dealt with in a new agreement negotiated between Ontario and Quebec and the governments of all eight American states bordering the lakes.

It will be released at the State of the Lakes Ecosystem Biennial Conference in Toronto.

Hearings A draft, a product of three years' development, has been in circulation all summer and public hearings have been held in several cities in both Canada and the United States.

While the purpose of the agreement is to control further water transfers from the lakes, it has been assailed by critics, especially in Canada, as actually opening the taps and, moreover, accepting the premise that vital decisions on the future of the whole Great Lakes ecosystem will be firmly in the hands of the U.S.

In 1909, a Boundary Waters Treaty between Canada and the United States created the International Joint Commission with an equal number of commissioners from the two countries. Its mandate was to settle disputes and to generally oversee the operation, control and quality of the water of the lakes.

While the commission has no legislative power, it has put forward a number of proposals on management of the system, including the contentious issue of water transfers and diversions. While this new pact accepts some of the recommendations of the IJC, it ignores the five per cent maximum acceptable water loss proposed by the commission.

This agreement on water diversion arose out of the licence given a group of Canadian entrepreneurs by the Ontario government to ship some 600 million litres of Lake Superior water by tanker to China.

This bizarre proposition caused enough outrage that the licence was revoked and both the Canadian federal government and the American Congress passed legislation banning the sale or diversion of Great Lakes water.

Legislation The Canadian government amended existing legislation on Great Lakes governance to ban any and all removals from Canadian boundary waters. In the United States, Congress legislated that water removal could only take place with the unanimous approval of the eight Great Lakes states.

The distinction between these two laws may not appear important, as all eight states are currently adamantly opposed to significant water transfer beyond the Great Lakes' basin. But this distinction becomes important as the pressure builds to divert more water farther away from the lakes' basin. While Congress has awarded trusteeship to the Great Lake states, it can also change its mind and take direct control.

An editorial in the Detroit Free Press expressed this succinctly: "The president can veto or sign laws that strengthen or weaken states' abilities to regulate diversions. The president also decides how closely the United States will adhere to international agreements regarding water withdrawal." There have been congressional attempts to do just that.

Control of the Great Lakes has become an election issue in the United States. Given the Bush administration's attitude toward environmental and ecological issues, as well as the Republican power base in the water-thirsty South, the Great Lakes states' hold is tenuous at best. And the problem isn't just with the Republicans.

Last February, Senator John Kerry, then campaigning for the Democratic presidential nomination in Michigan, said: "The water rights issues have been guided by the court decisions, states and the compacts between states. But it is also important to understand that we have national needs. It's a delicate balancing act. There are different ways of managing water rights with remunerations and the appropriate respect to states' rights." Protest This touched off a storm of protest among Democrats and within hours the senator's staff backtracked, clarified, "nuanced" -- whatever else they do when the senator trips over his tongue.

But as the pressure to divert water increases, the resistance seems to weaken. For example, Wisconsin Governor Jim Doyle says there may be a way to approve some diversions to Midwest cities that are just outside the lakes' basin.

In Michigan, an environmental advocacy group has asked the state legislature to "regulate the withdrawal from the lakes and their aquifers." The Republican Senate leader has flat out opposed even that minimal request.

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